

40.20. DESIGN REVIEW [ORD 4332; November 2004]**40.20.05. Purpose.**

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, at the applicant's option.

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a "safe harbor", there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines. The Design Guidelines are intended to maintain as much flexibility and originality as desired. The project proponent will simply be required to demonstrate how the project meets the Design Principles and Design Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

40.20.10. Applicability.

1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development is located.
2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three and unless exempted by Section 40.20.10.3, Design Review approval shall be required for the following:
 - A. All uses listed as Conditional Uses in the RA, R10, R7, R5, and R4 zoning districts.
 - B. All uses listed as Permitted and Conditional Uses in the R3.5, R2, and R1 residential zoning districts.
 - C. All uses listed as Permitted and Conditional Uses in all commercial, industrial, and multiple use zoning districts.
 - D. Site grading.
3. Design Review approval shall not be required for the following:
 - A. All uses listed as Permitted Uses in the RA, R10, R7, R5, and R4 residential zoning districts.
 - B. Detached dwellings and related residential accessory structures in any zoning district.
 - C. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.
 - D. Painting of any building in any zoning district.
 - E. Wireless communication facilities.
4. Design review approval through one of the procedures noted in Section 40.20.15. will be required for all new development where applicable. The applicable design principles, standards or guidelines will serve as approval criteria depending on the procedure. Existing developments, and proposed additions, demolitions and redevelopments associated with them, will be treated according to the following principles:

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- A. Development constructed or approved prior to the effective date of the ordinance adopting the design review update is not subject to new principles, standards and guidelines, and is considered fully conforming to the approvals issued at the time the development was approved by the City. Existing developments are not considered non-conforming if they do not meet new design standards. If existing development is structurally damaged or destroyed by casualty, replacement shall occur as follows:
 - 1. If structural damage or destruction is less than or equal to fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction can be replaced as legally existed on the site before the casualty loss.
 - 2. If structural damage or destruction is more than fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction must meet the provisions of this Code in every regard unless otherwise authorized by the provisions of this Code.
- B. Proposed new free-standing building(s) within an existing development will be subject to all applicable design standards.
- C. Proposed redevelopment of existing structures, where demolition of up to and including 25% of the area of the existing structure is proposed, new design standards or design guidelines are not applicable. If demolition is proposed greater than 25% up to and including 50% of the existing structure, 10% of the overall construction budget for new building improvements will be required to be devoted to improving portions of the building so as to meet applicable design standards or design guidelines. If demolition is proposed greater than 50% of the area of the existing structure, the full redevelopment project is subject to all applicable design standards or design guidelines.

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5. Design Review approval is required for all applicable new and existing developments. The City recognizes, however, that meeting all applicable design standards in an early phase of a multi-phased development on a large site may be difficult. It also recognizes that creating high quality pedestrian environments along Arterial Streets poses many challenges. In recognition of these and other issues, the following options are available.
 - A. Projects may use a Design Review Build-out Concept Plan (DRBCP), approved through a Type 3 process, to develop a site by demonstrating conceptually full compliance at build-out with the design review standards established in Section 60.05. Such projects must demonstrate in a DRBCP how future development of the site, to the minimum applicable floor area development standards contained in Chapter 20 of the Beaverton Development Code and to the minimum applicable design standards contained in Chapter 60.05 or greater, can be achieved at ultimate build out of the DRBCP. A DRBCP shall:
 1. Include an overall site area of at least three (3) acres;
 2. Not rely on the removal of a structure greater than 20% of the gross floor area of a development constructed in an early phase in order to demonstrate compliance in later phases.
 - B. When a development site abuts two (2) or more Arterial Streets that are also designated Major Pedestrian Routes, application of the applicable design standards may be moved from along the Arterial Streets. This alternative is to provide parking lot drive aisles developed as internal private streets, and to locate buildings along the internal private streets, subject to the following:
 1. The internal private streets shall extend from the Arterial Street to another public street, or back to an Arterial Street in such a way that street continuity is maintained along the entire internal street, and with abutting properties.
 2. A public access easement shall be required along the internal private streets.

40.20.10.5.B.

3. Buildings shall occupy a minimum percentage of the frontage of the internal private streets that is equal to the amount of lineal building frontage that would have been required under the standards for the Major Pedestrian Routes, and a minimum of 50% of the internal private streets shall have building frontage on both sides of the street.
4. All applicable design standards contained in Section 60.05, particularly 60.05.15.6 Building location and orientation along streets in Multiple Use Districts, 60.05.15.7 Building scale along streets in Multiple Use Districts, 60.05.20.9 Street frontages in Multiple Use Districts, and 60.05.20.10 Ground floor uses in parking structures shall be met by buildings along the internal private streets.

40.20.15. Application.

There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.

1. Design Review Compliance Letter.

- A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:
 1. Minor design changes to existing building or site including, but not limited to:
 - a. Façade changes, except changes in color.
 - b. Addition, elimination, or change in location of windows.
 - c. Addition, elimination, or change in location of person doors and loading doors.
 - d. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.
 - e. Demolition or other reduction of up to 25 percent of the existing building square footage.

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- f. Modification of on-site landscaping with no reduction in required landscaping.
 - g. Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
 - h. Addition of new fences, retaining walls, or both.
 - i. Changing of existing grade.
 2. Proposed additions of gross floor area to buildings in residential, commercial, or multiple use zones up to and including building area equal to 25% of the gross square feet of floor area of the existing building, but not to exceed 2,500 gross square feet of floor area.
 3. Proposed additions to buildings in industrial zones up to and including building area equal to 15% of the gross square feet of floor area of the existing building, but less than 30,000 gross square feet of floor area.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Design Compliance Letter. The decision making authority is the Director.
- C. Approval Criteria.
1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
 4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.

40.20.15.1.C.

5. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
 6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
 - a. Building articulation and variety.
 - b. Roof forms.
 - c. Building materials.
 - d. Perimeter/foundation landscaping requirements.
 - e. Screening roof-mounted equipment requirements.
 - f. Screening loading areas, solid waste facilities and similar improvements.
 - g. Lighting requirements.
 7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
 8. The proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.
 9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Compliance Letter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Compliance Letter application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Compliance Letter application to ensure compliance with the approval criteria.

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- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.20.15.

2. Design Review Two.

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:
1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
 2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
 4. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
 5. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area.
 6. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
 7. New parks in non-residential zoning districts.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Design Review Two. The decision making authority is the Director.

40.20.15.2.

C. Approval Criteria.

1. The proposal satisfies the threshold requirements for a Design Review Two application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:
 - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or
 - b. The location of existing structural improvements prevent the full implementation of the applicable standard; or
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

40.20.15.2.C.5.

- d. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
 - e. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).
- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Review Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Two application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

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3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
1. New construction or addition of more than 50,000 gross square feet of floor area where the development does not abut any residential zone.
 2. New construction or addition of more than 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
 5. Projects proposed utilizing the options described in Section 40.20.10.5.
 6. New parks in residential zoning districts.
 7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).
 8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Design Review Three. The decision making authority is the Board of Design Review.

40.20.15.3.

C. Approval Criteria.

1. The proposal satisfies the threshold requirements for a Design Review Three application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).
5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:
 - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
 - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

40.20.15.3.C.5.

- d. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
 - e. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).
- 6. For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.
- 7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Review Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Three application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

